

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
:
UNITED STATES OF AMERICA
:
- v. - : CONSENT PRELIMINARY ORDER
:
ALI JAVIDNEZHAD, : MONEY JUDGMENT
:
Defendant. : 17 Cr. 262 (LGS)

- - - - - x

WHEREAS, on or about May 1, 2017, ALI JAVIDNEZHAD (the "defendant"), was charged in an Indictment, 17 Cr. 262 (LGS) (the "Indictment"), with, inter alia, conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349 (Count One);

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense;

WHEREAS, on or about March 29, 2018, the defendant pled guilty to Count One, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One and agreed to forfeit, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, a sum of money equal to \$600,000 in United States currency, representing the amount of proceeds traceable to the commission of the offense;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$600,000 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney, Andrew Thomas, of counsel, and the defendant, and his counsel, Gary A. Farrell, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$600,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, ALI JAVIDNEZHAD, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is

authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

[CONTINUED ON NEXT PAGE]

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:



Andrew Thomas
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212)637-2106

5/12/2020

DATE

ALI JAVIDNEZHAD

By:

Ali Javidnezhad

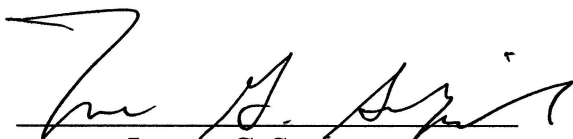
DATE

By:

Gary A. Farrell, Esq.
40 Exchange Place, 18th Floor
New York, New York 10005
Tel: (212) 822-1434
Fax: (212) 482-1303

DATE

SO ORDERED:



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

May 14, 2020

DATE

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: 

Andrew Thomas
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212)637-2106

5/12/2020

DATE

ALI JAVIDNEZHAD

By: 

Ali Javidnezhad

05-13-20

DATE

By: 

Gary A. Farrell, Esq.
40 Exchange Place, 18th Floor
New York, New York 10005
Tel: (212) 822-1434
Fax: (212) 482-1303

5/13/20

DATE

SO ORDERED:

HONORABLE LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

DATE